

EXHIBIT B

PLAINTIFF'S EXHIBIT
B
LANETT POLICE DEPARTMENT

STATEMENT OF: Chief Tim Jennings

Date: 10/31/03

ADDRESS: CITY OF LANETT

Time: 1006 hrs.

PHONE NUMBER: 334 444 5230

Page 1 of 1 Pages

10/31/03

The Fire department had been asked by MRS. GUNWELLS to burn and destroy Boxes of Records. On September 5, 2003 C-Shift was working (Hal, Willie, Confessa, Neil, Chuck Potts) we started by using 2 steel barrels and hand feeding papers to them. Eventually we decided that we had a house to burn that night and we would put the papers in it and burn all at once. I let MRS. GUNWELLS and Judge Holley know our plan which they both approved. Hal and Willie loaded truck E27 up, took the boxes to the residence on N. 2nd AVE and spread things out all over the inside of the house. I went to the house later that afternoon, just before council meeting and checked on situation. I found papers everywhere, there would have been no way a complete file could have been found. That night while I was in council meeting, C-Shift went and set up for the burn. Upon my arrival to the scene I inspected the house once again, made sure nobody was inside and Willie Kirby stayed behind to light the fire. I stayed on the scene until the house was completely on the ground. We had a couple of volunteers that came to the fire scene Gus Davidson, John Spradlin, Everett Tines.

Confessa Mechanam Everett Tines	Hans to John	Willie Kirby Alissa Compton
<u>Gus Davidson</u>	<u>Hil Shelley, Chuck Potts</u>	<u>Ladder 820</u>

LANETT POLICE DEPARTMENT

STATEMENT OF: HAI Shelley

Date: 11/5/05

ADDRESS: Lanett Fire Dept.

Time: 1031 hrs.

PHONE NUMBER: 334 644 5230

Page 1 of 2 Pages

ON OR About October 3 2005, I believe it was my shift loaded several boxes and bags of personnel files on to the fire department pick up truck. The files was loaded onto the pick up and carried to a house north 2nd where it and the files was to be burned. I did help load them onto the truck but I did not go over with them at that time, I went over later, I believe it was around 1830 hours. The guys that loaded them onto the truck and taking them to the house were, Wily Kirby, Neal Spears, Allysa Compton, I am not sure if Courtney Meacham and Chuck Potts was involved in loading the truck but they were on the shift that day. I am not sure of who if anyone from the time that they left with the files going to the house and the time that I got over there if anyone had been in the house. I got over to the house I could see that files was scattered throughout the house. I think that the house was set on fire between 15 to 30 minutes after I arrived by ~~time~~ Wily Kirby, we had to wait on everything to be set up, meaning fire trucks, hoses and safety measures. Once the house began to burn no one went inside and there was not any fire left. I can't remember

LANETT POLICE DEPARTMENT

STATEMENT OF: Hil Shelley

Date: 11/5/05

ADDRESS:

Time: 10:31

PHONE NUMBER:

Page 2 of 2 Pages

If there was any law enforcement there. I did NOT leave until the house was totally destroyed. I have NOT heard anything about anyone removing any files. I go over to the house after lunch sometime and I did notice furniture in the house, and when we went back to burn the house I noticed some of it (the contents) was gone. Hil Shelley 11-05-05

LANETT POLICE DEPARTMENT

STATEMENT OF: Capt. Kelly Merchant

Date: 11/22/05

ADDRESS: Lanett F. D.

Time: 0926 hrs

PHONE NUMBER: 334 4445230

Page ____ of ____ Pages

On or about the last week of September 2005 I was asked by Mrs. Gunwells to burn some files. I was in charge of the shift that day and I along with Terry Daniels, Austin Battles, Paul Romine and I'm not sure if Reed Aston was here or not. I along with the aforementioned firemen did burn approximately one trash bag of files. I did not see anyone take or remove any files. This statement was written for me by Det. Tedd Morris I have read it and it is a true and accurate statement to the best of my knowledge. Kelly Merchant

LANETT POLICE DEPARTMENT

STATEMENT OF: Contessa Meacham

Date: 11/5/2005

ADDRESS:

Time: 1140 hrs

PHONE NUMBER: 3346445230

Page — of — Pages

At or around the date of Oct. 3, 2005 in the a.m. hrs. I was told by my supervisor, Hal Shelley, we would need to burn some "files" from City Hall. As I walked outside the fire station where 827 was parked & loaded with boxes, Chuck Potts, Willie Kirby and Neil Spear were burning papers from these boxes in metal garbage cans. I helped burn what we could in the cans. During this time Dean Van Meter climbed into the back of 827 where the boxes were located and ~~John~~ was looking through the "files". I did not at any time see Dean Van Meter take any of these "files". Later, Willie Kirby, Neil Spear and I loaded the remainder of the boxes into 827, took them to a house which was to be burned, and dispersed of the papers through all of the rooms of the house. At which time Alicia Compton ^{CM} assisted us with the dispersion. We left the house for 3 $\frac{1}{4}$ hrs and returned after 1 $\frac{1}{2}$ hrs, at which time we burned the house as well as contents within. To the best of my memory I did not see anyone take any files at any time.

Contessa Meacham

11/5/2005

LANETT POLICE DEPARTMENT

STATEMENT OF: Jimmy Spence (ves)

ADDRESS: Lanett ^{Fire} Police Dept.

PHONE NUMBER: 334 - 644 5230

Date: 11/14/05

Time: 1843 MT

Page ____ of ____ Pages

JOS I AM NOT SURE OF THE EXACT DATE, BUT I AM SURE THAT IT WAS THE DAY THAT WE BURNED THE HOUSE ON NORTH 2ND AVE. I WAS WORKING HERE AT THE FIRE DEPT, ALONG WITH HAL SHELLEY, CONTESSA MEACHAM, WILLIE KIRBY, ALICIA COMPTON, AND CHUCK POTTS. I ALONG WITH THE AFOREMENTIONED RECALL WAS AT THE BACK OF THE FIRE DEPT BURNING THE FILES IN BARRELS, IT WAS A SLOW GO, WE HAD ONE BARREL AND HAL SHELLEY GOT ANOTHER ONE. THERE WAS FILES ON THE TRUCK (UT#27) AND WE HAD FILES NEXT TO US ON THE GROUND, I BELIEVE THAT THEY WERE IN TRENCH BAGS ^{JOS} THERE ~~WAS~~ ALSO MORE FILES AT CITY HALL. AS WE WERE BURNING THE FILES LT. VAN METER CAME UP IN HIS PATROL CAR AND ASK WHAT WAS GOIN ON AND SOME SAID THAT WE WERE DESTROYING FILES THAT CITY HALL HAD TOLD US TO DO. VAN METER ASK IF WE HAD SEEN HIS FILE AND WE LAUGHED. SOMETIME AFTER THAT I NOTICED HIM GOING THROUGH THE FILES ON THE TRUCK AND HE TOOK A STACK OF FILES MAYBE ENOUGH TO FILL UP ONE HAND AND GOT IN HIS PATROL ^{JOS} CAR & LEFT, HE WAS PROBABLY OVER HERE FOR 10 TO 15 MINUTES. VAN METER DID NOT SAY WHY HE WAS TAKING THE FILES, I CAN'T RECALL. HE LEFT WITH THE FILES AND I DID NOT SEE HIM ANYMORE JOS

LANETT POLICE DEPARTMENT

STATEMENT OF: Jimmy Spears (Vest)

Date: 1/14/05

ADDRESS: Lanett Fire Dept.

Time: 1843 MT.

PHONE NUMBER: 644-5250

Page 2 of 2 Pages

JOS

After that, I did NOT see any names on the cities that he took. I did NOT see any one else take any files after he left. After VAN meter left Chief came and said that we had a house to burn and that we would burn the rest of the files in the house. The TRUCK was then pulled around to the rear of the complex where the rest of the files from City Hall was loaded on the TRUCK and they were transported over to the house where they were burned. I along with Willie Kieby, ^{JOS} Confessa Meacham ~~and~~ were the ones that loaded the files onto the TRUCK. Right after we got done loading the files on TRUCK #27 ^{JOS} Alicia Compton showed up and she and Willie took the TRUCK to the house where we scattered the files throughout the house, I rode over with Confessa in the Ambulance. Once the files were scattered throughout the house and every box was unloaded, we came back to the station for a while, ate dinner and later went back and burned the house. The files were scattered so much that it would have been hard for some one to find a complete file. * VAN meter did ASK if we had seen anything on him, and we just laughed. This statement was written for me by Mr. Morris, I have read it and it is a true

LANETT POLICE DEPARTMENT

STATEMENT OF: Willy Kirby

Date: 11/5/05

ADDRESS: Lanett Fire Dept.

Time: 1103 hrs

PHONE NUMBER: 644 5230

Page 1 of 1 Pages

WEDON about October 3, 2005 at Lanett Fire & EMS Department we were to burn files from City Hall per their request. I loaded files into Dispos, truck with Neal Spears and Contine Meacham. Then we went to house several blocks from station to place files in abandoned house to burn house down. placed files in all rooms of house this was done with help of Neal Spears, Contine Meaham and Alissa Langham. After placing files in house we all returned to station. Late after City Council meeting we returned to house and set fire to files and found Anna Dornie after fire went most all of house & return to station. Willi Kirby

Deemed at fire Ruth King, Ned Shelley, Chuck Potts
Neal Spears, Tim Jennings

LANETT POLICE DEPARTMENT

STATEMENT OF: Charles Potts

Date: 11/8/05

ADDRESS: Lanett City Dept

Time: 0948 hrs

PHONE NUMBER: 334 644 5230

Page 1 of 1 Pages

On or about Oct. 3 2005, C shift was asked to help destroy old paperwork from City Hall. There were several boxes in the hallway that we were told to burn. Barrels were set up in the rear of the fire station and were being used to burn the files a small amount at a time. Due to the files being compacted together, it required us to separate the papers so they would burn. This was a very slow process. While this was being done, LPD office Vanmeter did arrive on scene and talk to us about what we were doing. I remember him looking through some of the old paperwork and he was reminiscing about some of the people he was reading about. Vanmeter left the area after about 10 to 15 min., I do believe he may have had some type of paperwork in his hand when he departed. Due to the process not working very well, all the boxes were taken to a house on N. 2nd Ave. that the fire dept. was to burn. This house was burned that night at around 1900 hrs. I do know that the boxes were in the house. I was not involved in transporting them to the scene due to being tied up on another detail with acting Capt. Shelley. I do not know if the house was secure for the time the boxes were put inside until the time the Fire Dept. burned the house. Charles J. Potts

Charles J. Potts 11-8-05 1000 hrs.

LANETT POLICE DEPARTMENT

STATEMENT OF: Alisia Compton

Date: 11-14-05

ADDRESS: Fire Dept

Time: 1959

PHONE NUMBER: 644-5230

Page 1 of 1 Pages

On about Oct. 3 I arrived around 10:00am & saw staff burning barrels of personnel files. There was three or four boxes & the files moved to the barrels & burned. Late that afternoon I was advised by Hal the Captain to go with Willie over to N. Zmaw to help unload the pick-up. In the back of the truck where several boxes of what I was advised were old personnel files or bills. We were to take the boxes into the house & scatter them throughout the house. After Chief left the city council meeting the shift was going back to the house to conduct a controlled burn. We burned the house to the ground & left the scene & returned to the dept. at no time did I see anyone else handling the boxes. I did not help load the files to the truck or assist in burning the files in the barrels. Alisia Compton